

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

ISIDORO IBARRA-ARZATE (1),

Defendant

§
§
§
§
§
§

Case No. 1:21-CR-40-LY-1

ORDER

Now before the Court are Defendant Isidoro Ibarra-Arzate's Motion for Appointment of Counsel on Appeal and to Proceed *In Forma Pauperis*, filed December 29, 2022 (Dkt. 105) (sealed), and Defendant's Unopposed Motion to Withdraw as Attorney of Record, filed January 5, 2023 (Dkt. 106). On January 6, 2023, the District Court referred the Motions to the undersigned Magistrate Judge for resolution, pursuant to 18 U.S.C. § 3006A(b), 28 U.S.C. § 636(b)(1)(A), and Rule 44 of the Federal Rules of Criminal Procedure. Dkt. 107. The Government does not oppose the Motions.

Final judgment was entered in this case on December 20, 2022, and Defendant has filed a notice of appeal to the United States Court of Appeals for the Fifth Circuit. Dkts. 102, 104.

Defense counsel David R. Bires now asks that he be permitted to withdraw. Having considered Defendant's Motion to Withdraw, the undersigned Magistrate Judge finds that there is good cause to grant the Motion and permit counsel to withdraw, and that Defendant has received notice. **IT IS THEREFORE ORDERED** that Defendant's Unopposed Motion to Withdraw as Attorney of Record (Dkt. 106) is **GRANTED** and David R. Bires is hereby **WITHDRAWN** as Defendant's counsel of record.

Defendant also asks the Court to permit him to proceed *in forma pauperis* and to appoint appellate counsel. Defendant is detained and has been sentenced to a term of imprisonment. Consistent with the financial information Defendant submitted following his arrest (Dkt. 6) and current financial information provided by Defendant in his Declaration In Support of Request to Proceed in *Forma Pauperis* (Dkt. 105-1), the Court finds that Defendant is financially unable to employ appellate counsel, and that the interests of justice require that counsel be appointed to represent him on appeal.

Accordingly, **IT IS FURTHER ORDERED** that Defendant's Motion for Appointment of Counsel on Appeal and to Proceed *In Forma Pauperis* (Dkt. 105) is **GRANTED** and **WORTH D. CARROLL #24091192** is hereby **APPOINTED** to represent Defendant on appeal.

SIGNED on January 10, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE